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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,342

04/19/2004

Yoshinobu Tanaka

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05/13/2009

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WASHINGTON, DC 20036

EXAMINER

MOTSINGER, SEAN T

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

05/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,342

Applicant(s)

TANAKA ET AL.

Examiner

SEAN MOTSINGER

Art Unit

2624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3, 6-8 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 9, 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Applicants Arguments/Amendments

Applicants Arguments/Amendments filed on 1/22/2009 have been entered and made of record.

Applicants arguments with respect to 35 U.S.C. 112 have been fully considered and the amendments have overcome the rejection.

Applicants arguments with respect to 35 U.S.C. 103 and claims 1 and 15 have been full considered but are not persuasive. Applicant is assuming that there is "1 bit per pixel" when there is not. Ke stores a full line of resized pixels at 5 bits per pixel (or more) bits per pixel. 5 is not the number of lines being stored but instead the number of bits per pixel. So Ke still only stores 1 line i.e. 640 re-sized pixels each of which comprise 5 bits (or more or less as described in column 5 lines 50-55) while applicant's claim stores one line of i.e. 720 resized pixels. Furthermore the claim only requires that the line memory have enough capacity it does not require that it have *only enough capacity*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 9 and 11-15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent Number 6,094,226 issued to Ke et al. ("Ke") in view of Hideo et al. JP H11-053532 et al..

Re claim 1 Ke discloses An image processing apparatus said image processing apparatus comprising:

a first resizing means (figure 2a element 120) for resizing said image data in a first direction (horizontal see figure 2(a);

a line storage means (figure 2a element 232) including at least one 1-line line memory having capacity for storing image data corresponding to one line along the first direction of the image data outputted from the first resizing means;

and a second resizing means (figure 2a element 234) for resizing in a second direction (vertical see figure 2a) with using image data (figure 2a element 231 Yc) of the image resized outputted from said first resizing means, and using an image data of the lowest line above the current line being resized and adjacent to the image data resized acquired from said line storage means (data YP stored in the line buffer figure 2a this line is the lowest line immediately above the current line to be resized).

Hideo discloses taking $N \times M$ pixels (N, M being a natural number of 2 or more) as one block, for processing image data consisting of a plurality of blocks by the unit block and resizing (see paragraph 6), resizing using the lowest line (paragraph 10)

and of a block adjacent to the resized block to be resized acquired from a line storage means (see paragraphs 9). In the method of Ke the lowest line of the above block would need to be stored in buffer Yp for Ke to function because Yp requires to have stored in it the immediately preceding resized line (column 5 lines 30-55). The motivation to combine is so that "expansion of a picture can be carried out to a block unit". Therefore it would have been obvious to combine Ke with Hideo to reach the aforementioned advantage.

For claim 2, Hideo discloses a decoding means for decoding compressed and encoded image data block by block, the image data decoded at the decoding means being subjected to the resizing (Mpeg decoder paragraph 8).

For claim 4, Ke discloses "a thinning out pixels in the first direction" in col. 5 lines 8-15.

For claim 5, Ke discloses "an added average of a number of pixels in the first direction" in col 5.

For claim 9, Ke discloses a single line memory and "2-point interpolation in the second direction" in col 5 lines 28-42.

For claims 11-13, the ability to either apply or bypass a resizing process is within the ordinary skill in the art at the time of invention. The Examiner takes Official notice that a person of ordinary skill in the art at the time of invention is able to either apply or bypass a resizing process for resizing image data.

For claim 14, Ke discloses that the line storage means has a capacity corresponding to a display region of an external display apparatus (column 5 lines 29-30).

For claim 15 claim 15 is substantial the same as claim 1 written without means plus function language. It is likewise rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN MOTSINGER whose telephone number is (571)270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

Motsinger
5/8/2009